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Misty Mendiola
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

)

Bergmann, F.

) EXAMINER: Janet L. Epps-Ford

SERIAL NO.: 10/729,570

) ART UNIT: 1633

FILED: Dec. 5, 2003

) CONFIRMATION NO: 2111

FOR: MANNITOL AND
GLUCITOL DERIVATIVES

) Atty Docket No. 21545-US1

DECLARATION OF THE INVENTOR SUBMITTED WITH RESPONSE TO A FINAL OFFICE ACTION

I, Frank Bergmann, declare as follows:

1. I hold the position of Manager of Nucleic Acid Chemistry at Roche Diagnostics GmbH in Penzberg, Germany. I have held this position for 13 years.
2. I was awarded a Ph. D. degree from University of Konstanz, Germany in 1993. I have been awarded 12 patents, and have published 11 articles on the subject of nucleic acid chemistry in peer-reviewed journals.
3. I am one of the co-inventors submitting the U.S. Patent Application Serial No. 10/729,570, entitled "Mannitol and glucitol derivatives." The application has independent claims 1 and 9 directed to an oligonucleotide labeling reagent and a nucleotide polymer incorporating the analog, respectively. I have read and understood the USPTO Office Action mailed on December 11, 2008 as well as the references Sheng-Hui et al. (WO97/43451) and De Clercq et al. (US 5,607,922) which are cited against my application.
4. I understand that it is the position of the Patent Office that Sheng-Hui et al. teach compounds structurally similar to compounds taught by De Clercq et al. It is the position of the Patent Office that it would have been obvious that compounds of De Clercq and